

1. *Purchases at Prices that Constitute "More Than Adequate Remuneration"*

2. *Exoneration/Reimbursement of Corporate Income Taxes*

III. TOTAL AD VALOREM RATE

IV. ANALYSIS OF COMMENTS

Comment 1: Benefit from Transaction

Comment 2: Draft Customs

Instructions

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(C-428-829); (C-421-809); (C-412-821)

### Final Results of Countervailing Duty Administrative Reviews: Low Enriched Uranium from Germany, the Netherlands, and the United Kingdom

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce

**SUMMARY:** On March 7, 2005, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results of administrative reviews of the countervailing duty (CVD) orders on low enriched uranium from Germany, the Netherlands, and the United Kingdom for the period January 1, 2003, through December 31, 2003 (see *Preliminary Results of Countervailing Duty Administrative Reviews: Low Enriched Uranium from Germany, the Netherlands, and the United Kingdom*, 70 FR 10986 (March 7, 2005) (*Preliminary Results*)). The Department has now completed these administrative reviews in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Based on information received since the *Preliminary Results* and our analysis of the comments received, the Department has not revised the net subsidy rate for Urenco Deutschland GmbH of Germany (UD), Urenco Nederland B.V. of the Netherlands (UNL), Urenco (Capenhurst) Limited (UCL) of the United Kingdom, Urenco Ltd., and Urenco Inc. (collectively, the Urenco Group or respondents), the producers/exporters of subject merchandise covered by these reviews. For further discussion of our positions, see the "Issues and Decision Memorandum" from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spretini, Acting Assistant Secretary for Import Administration concerning the "Final Results of Countervailing Duty Administrative Reviews: Low Enriched

Uranium from Germany, the Netherlands, and the United Kingdom" (Decision Memorandum) dated July 5, 2005. The final net subsidy rates for the reviewed companies are listed below in the section entitled "Final Results of Reviews."

**EFFECTIVE DATE:** July 12, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Darla Brown, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2786.

**SUPPLEMENTARY INFORMATION:**

#### Background

On March 7, 2005, the Department published in the **Federal Register** its *Preliminary Results*. We invited interested parties to comment on the results. Since the preliminary results, the following events have occurred.

On April 6, 2005, we received case briefs from respondents. In their case brief, respondents requested a hearing. On April 11, 2005, we received rebuttal briefs from petitioners.<sup>1</sup> On April 12, 2005, respondents withdrew their request for a hearing.

Pursuant to 19 CFR 351.213(b), these reviews cover only those producers or exporters of the subject merchandise for which a review was specifically requested. Accordingly, these reviews cover the Urenco Group. These reviews cover the period January 1, 2003, through December 31, 2003, and four programs.

#### Scope of the Orders

For purposes of these orders, the product covered is all low enriched uranium (LEU). LEU is enriched uranium hexafluoride (UF<sub>6</sub>) with a U<sup>235</sup> product assay of less than 20 percent that has not been converted into another chemical form, such as UO<sub>2</sub>, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including LEU produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of these orders. Specifically, these orders do not cover enriched uranium hexafluoride with a U<sup>235</sup> assay of 20 percent or greater, also known as highly enriched uranium. In addition, fabricated LEU is not covered by the scope of these orders. For purposes of these orders, fabricated uranium is defined as enriched uranium dioxide (UO<sub>2</sub>), whether or not contained in

nuclear fuel rods or assemblies. Natural uranium concentrates (U<sub>3</sub>O<sub>8</sub>) with a U<sup>235</sup> concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U<sup>235</sup> concentration of no greater than 0.711 percent are not covered by the scope of these orders.

Also excluded from these orders is LEU owned by a foreign utility end-user and imported into the United States by or for such end-user solely for purposes of conversion by a U.S. fabricator into uranium dioxide (UO<sub>2</sub>) and/or fabrication into fuel assemblies so long as the uranium dioxide and/or fuel assemblies deemed to incorporate such imported LEU (i) remain in the possession and control of the U.S. fabricator, the foreign end-user, or their designated transporter(s) while in U.S. customs territory, and (ii) are re-exported within eighteen (18) months of entry of the LEU for consumption by the end-user in a nuclear reactor outside the United States. Such entries must be accompanied by the certifications of the importer and end user.

The merchandise subject to these orders is currently classifiable in the *Harmonized Tariff Schedule of the United States* (HTSUS) at subheading 2844.20.0020. Subject merchandise may also enter under HTSUS subheadings 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to these reviews are addressed in the Decision Memorandum, which is hereby adopted by this notice. A list of the issues contained in the Decision Memorandum is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum, which is on file in the Central Record Unit (CRU), room B-099 of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov>, under the heading "Federal Register Notices." The paper copy and electronic version of the Decision Memorandum are identical in content.

#### Final Results of Reviews

In accordance with section 777A(e)(1) of the Act and 19 CFR 351.221(b)(5), we calculated an *ad valorem* subsidy rate for the Urenco Group for calendar year

<sup>1</sup> Petitioners are the United States Enrichment Corporation (USEC) and USEC Inc.

2003. The total net subsidy rate for the Urenco Group in these reviews is 0.00 percent *ad valorem* for the POR.

We will instruct U.S. Customs and Border Protection (CBP), within 15 days of publication of the final results of these reviews, to liquidate shipments of low enriched uranium by Urenco from Germany, the Netherlands, and the United Kingdom entered, or withdrawn from warehouse, for consumption from January 1, 2003, through December 31, 2003, without regard to countervailing duties. Moreover, the Department also will instruct CBP not to collect cash deposits of estimated countervailing duties on all shipments of the subject merchandise from the reviewed entity, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of these reviews. In addition, for the period January 1, 2003, through December 31, 2003, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

We will instruct CBP to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rate that will be applied to non-reviewed companies covered by this order will be the rate for that company established in the investigations. See *Notice of Amended Final Determinations and Notice of Countervailing Duty Orders: Low Enriched Uranium from Germany, the Netherlands and the United Kingdom*, 67 FR 6688 (February 13, 2002) (*Amended Final*). The "all others" rate shall apply to all non-reviewed companies until a review of a company assigned this rate is requested. In addition, for the period January 1, 2003, through December 31, 2003, the assessment rates applicable to all non-reviewed companies covered by these orders are the cash deposit rates in effect at the time of entry.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These administrative reviews and this notice are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: July 5, 2005.

**Barbara E. Tillman,**

*Acting Assistant Secretary for Import Administration.*

### Appendix I - Issues and Decision Memorandum

#### I. METHODOLOGY AND BACKGROUND INFORMATION

##### A. International Consortium

#### II. SUBSIDIES VALUATION INFORMATION

##### A. Allocation Period

#### III. ANALYSIS OF PROGRAMS

##### A. Programs Determined Not to Confer a Benefit from the Government of Germany

1. Enrichment Technology Research and Development Program
2. Forgiveness of Centrifuge Enrichment Capacity Subsidies

##### B. Programs Determined Not to Be Used from the Government of the Netherlands

1. Wet Investeringsrekening Law (WIR)
2. Regional Investment Premium

#### IV. TOTAL AD VALOREM RATE

#### V. ANALYSIS OF COMMENTS

Comment 1: Net Countervailable Subsidy Rate

Comment 2: Draft Cash Deposit and Liquidation Instructions

Comment 3: Enrichment Services

Comment 4: Allocation Period

Comment 5: Centrifuge Enrichment Capacity Subsidies by the Government of Germany

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### International Buyer Program Support for Domestic Trade Shows

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice and call for applications for the International Buyer Program for the period October 1, 2006, through December 31, 2007.

**CONTACT:** Office of Global Trade Programs; Room 2012; Department of Commerce; Washington, DC 20230; tel: (202) 482-4457; Fax: (202) 482-0178.

**SUMMARY:** This notice sets forth objectives, procedures and application review criteria associated with support for domestic trade shows by the International Buyer Program of the U.S. Department of Commerce (DOC). As the program is changing from a fiscal year to a calendar year basis, this

announcement covers selection for International Buyer Program participation for Fiscal Year 2007 (October 1, 2006 through September 30, 2007) and the 1st quarter of Fiscal Year 2008 (October 1, 2007 through December 31, 2007).

The International Buyer Program was established to bring international buyers together with U.S. firms by promoting leading U.S. trade shows in industries with high export potential. The International Buyer Program emphasizes cooperation between the DOC and trade show organizers to benefit U.S. firms exhibiting at selected events and provides practical, hands-on assistance such as export counseling and market analysis to U.S. companies interested in exporting. The assistance provided to show organizers includes worldwide overseas promotion of selected shows to potential international buyers, end-users, representatives and distributors.

The worldwide promotion is executed through the offices of the DOC United States and Foreign Commercial Service (hereinafter referred to as the Commercial Service) in more than 70 countries representing America's major trading partners, and also in U.S. Embassies in countries where the Commercial Service does not maintain offices. As the program is changing from a fiscal year to a calendar year basis, the Department expects to select approximately 50 shows for the October 1, 2006 through December 31, 2007 period from among applicants to the program. Shows selected for the International Buyer Program will provide a venue for U.S. companies interested in expanding their sales into international markets. Successful show organizer applicants will be required to enter into a Memorandum of Understanding (MOU) with the DOC.

The MOU constitutes an agreement between the DOC and the show organizer specifying which responsibilities are to be undertaken by DOC as part of the IBP and, in turn, which responsibilities are to be undertaken by the show organizer. Anyone requesting information about applying will be sent a copy of the MOU along with the application package. The responsibilities to be undertaken by DOC will be carried out by the Commercial Service.

**DATES:** Applications must be received within 60 days after the publication date of this **Federal Register** notice. Participation fees (discussed below) are for shows selected and promoted during the period between October 1, 2006, and December 31, 2007.